

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

NIKUNJKUMAR BABULAL PATEL  
*et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS  
Secretary of Department of Homeland  
Security, *et al.*,  
Defendants.

CASE NO: 7:23-cv-97 (WLS)

**ORDER**

On August 29, 2023, Plaintiffs filed their Complaint (Doc. 1). The docket reflects that Summonses were issued on September 1, 2023, on all the named Defendants in their official capacities; Alejandro Mayorkas, Secretary of the Department of Homeland Security; Daniel Renaud, Director of the United States Citizenship and Immigration Services (“USCIS”) Vermont Service Center; Merrick Garland, Attorney General of the United States; and Tracy Renaud, Director of USCIS. (Doc. 2). The Court Ordered Plaintiffs to file evidence of returned Summonses executed or waived and/or to show cause no later than December 7, 2023 why the Complaint should not be dismissed for failure to serve the Defendants. (Doc. 3). In the same Order (Doc. 3), the Court noticed Plaintiffs that failure to respond or comply with the Court’s order would subject Plaintiffs’ Complaint to dismissal without prejudice, without further notice or proceeding. (*Id.*)

To date, Plaintiffs have failed to respond to, or comply with, this Court’s Order to Show Cause. (Doc. 3). There is no indication in the docket that service has been perfected as to any Defendant. Under Federal Rule of Civil Procedure 4(m), if a defendant is not served within 90 days from the filing of the complaint, the Court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice. Accordingly, Plaintiffs’ Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to serve Defendants.

**SO ORDERED**, this 11th day of November 2023.

/s/ W/ Louis Sands  
**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**